

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANDREW IAN FARMER,	§	
BOP # 14677-479	§	
Defendant/Movant,	§	CRIMINAL NO. 4:16-408-1
	§	
VS.	§	CIVIL ACTION NO. 4:22-4307
	§	
	§	
UNITED STATES OF AMERICA	§	
Plaintiff/Respondent.	§	

**UNITED STATES' SECOND MOTION FOR AN EXTENSION OF
TIME TO RESPOND TO FARMER'S 28 U.S.C. § 2255 MOTION**

The United States respectfully asks that this Court grant a 90-day extension of time for the Government to respond to Farmer's 28 U.S.C. § 2255 motion, making the response due Wednesday, June 21, 2023. Good cause for an extension exists because the Government is awaiting the transcription of Farmer's re-arraignment hearing, and undersigned counsel is performing mandatory military training between March 27, 2023, and May 30, 2023, and will be unable to access his Department of Justice workspace.

I. Status of the case.

Farmer has filed a 28 U.S.C. § 2255 motion in which he alleges that his trial counsel was ineffective in that counsel did not properly represent his interests during the sentencing phase of his case. He also raises a challenge to his sentence as being disproportionate to his co-defendants' sentences. This Court ordered the United States to respond to the motion by February 21, 2023. The Government, citing a heavy case load, sought, and obtained, an initial extension of 30-days to respond to Farmer's motion. The response is presently due March 23, 2023. Farmer is currently incarcerated at Federal Correctional Institution El Reno in Oklahoma, where he is scheduled to be released in May of 2026. Because of his status as a prisoner, the United States has not communicated with him to ascertain whether he is opposed to this motion.

II. Basis for extension of time to file a response.

This Court's initial order to the Government that it respond to the § 2255 motion was entered December 21, 2022. After reviewing the Court's order, and Farmer's motion, on January 4, 2023, undersigned counsel ordered the transcription of Farmer's re-arraignment and sentencing hearing. To date, only the transcription of the sentencing

hearing has been received by undersigned counsel. The re-arraignment hearing has not been transcribed. The re-arraignment hearing will likely elucidate details concerning the district court's warnings to Farmer regarding his waiver of the right to file a collateral attack on his sentence through a § 2255 motion. Such discussion would be germane to Farmer's second ground—that his sentence is disproportionate in relation to his co-defendants' sentences. It appears likely Farmer waived the right to assert such a complaint when he plead guilty. A transcription of the re-arraignment hearing can confirm, or dispel, that notion. Undersigned counsel requests additional time to obtain the transcription, review the same, and file its response.

Additionally, undersigned counsel has been ordered by the United States Air Force to report to Maxwell Air Force Base in Montgomery Alabama from March 27, 2023, through May 29, 2023. Undersigned counsel is an officer in the United States Air Force Reserve Judge Advocate General Corps and must attend mandatory training during that time. During this training, undersigned will not have access to his Department of Justice workspace. An extension of time to respond until

June 21, 2023, will give counsel, upon his return, time to properly assist this Court in resolving the issues presented by Farmer's motion.

Counsel makes this motion to ensure that justice is done and not for purposes of delay. Accordingly, the United States respectfully asks that this Court grant a 90-day extension of time for the United States to file its response, that is, on or before Wednesday June 21, 2023.

Respectfully submitted,

ALAMDAR S. HAMDANI
United States Attorney

CARMEN CASTILLO MITCHELL
Chief, Appellate Division

/s/ Michael A. Hylden
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CERTIFICATE OF SERVICE

I, Michael A. Hylden, certify that a true and correct copy of the *United States' Second Motion For An Extension of Time to Respond to Farmer's 28 U.S.C. § 2255 Motion* was electronically filed with the United States District Court for the Southern District of Texas, on March 21, 2023. A true and correct copy of the document was placed in the outgoing mail, for delivery via certified mail, return receipt requested, to the last address of record for movant:

Andrew Ian Farmer
Reg. Number 14677-479
FCI El Reno
Federal Correctional Institution
PO Box 1500
El Reno, OK 73036

/s/ Michael A. Hylden
Michael A. Hylden
Assistant United States Attorney